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DA-2877
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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that the correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Patent Ext, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: September 16, 2004 Name: Anthony P. Curtis, Ph.D. Signature:

BRINKS
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& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Hideki Suzuki et al.

Appln. No.: 09/870,041

Filed: May 30, 2001

For: Optical Detector Apparatus

Attorney Docket No: 9281-3981

Examiner: Zandra Smith

Art Unit: 2877

Mail Stop Patent Ext
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Transmittal (and copy)(2 pages); Request for Consideration of Patent Term Adjustment (3 pages); and our check in the amount of \$200.00
- ☒ Return Receipt Postcard

Fee calculation:

- ☒ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(_____).
- ☐ An additional filing fee has been calculated as shown below:

| | | | | | Small Entity | | | Not a Small Entity | |
|---|-------------------------------------|-------|------------------------------------|------------------|--------------|-----------|----|--------------------|-----------|
| | Claims Remaining After Amendment | | Highest No. Previously Paid For | Present Extra | Rate | Add'l Fee | or | Rate | Add'l Fee |
| Total | | Minus | | | x \$9= | | | x \$18= | |
| Indep. | | Minus | | | x 43= | | | x \$86= | |
| First Presentation of Multiple Dep. Claim | | | | | +\$145= | | | + \$290= | |
| | | | | | Total | \$ | | Total | \$ |

Fee payment:

- ☒ A check in the amount of \$200.00 is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$_____. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Date: 9/16/04

Respectfully submitted,

Anthony P. Curtis, Ph.D. (Reg. No. 46,193)

I hereby certify that this correspondence is being deposited with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to:

Mail Stop Patent Ext
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450 on:

September 16, 2004

Date of Deposit

Anthony P. Curtis, Ph.D., Reg. No. 46,193

Name of applicant, assignee or
Registered Representative

Signature

Date of Signature

Our Case No. 9281-3981

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Hideki Suzuki et al.

Serial No. 09/870,041

Filing Date: May 30, 2001

For: Optical Detector Apparatus

Examiner: Zandra Smith

Group Art Unit No.: 2877

REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d)

Mail Stop Patent Ext
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

U.S. Patent Application No. 09/870,041 has a published term adjustment under 35 U.S.C. § 154(b) of 595 days. For the reasons stated herein, reconsideration of this patent term adjustment is respectfully requested.

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REMARKS

U.S. Patent Application No. 09/870,041 has a published term adjustment under 35 U.S.C. § 154(b) of 595 days. The patent term adjustment for U.S. Patent Application No. 09/870,041 is calculated as shown below. Dates are specified based on the Patent Application Information Retrieval (PAIR) system Patent Term Adjustment History. U.S. Patent Application No. 09/870,041 is not subject to a terminal disclaimer.

Period of adjustment under 37 C.F.R. § 1.703(a)

The period of adjustment under 37 C.F.R. § 1.703(a)(1) is the number of days beginning on the day after the date that is fourteen months after the date on which the application was filed under 35 U.S.C. § 111(a) and ending on the date of mailing of a Notice of Allowance 35 U.S.C. §151.

Applicants agree with the PTO calculation of the period of adjustment under 37 C.F.R. § 1.703(a)(1) of 595 days.

Period of adjustment under 37 C.F.R. § 1.703(b)

The period of adjustment under 37 C.F.R. § 1.703(b) is the number of days in the period beginning on the day ("the 3 year date") after the date that is three years after the date on which the application was filed under 35 U.S.C. § 111(a).

Applicants do not agree with the present PTO calculation of 0 days.

The application was filed on May 30, 2001, making the 3 year date May 30, 2004. The application is projected to issue 28 weeks from the mailing of the Notice of Allowance. The Notice of Allowance was mailed on July 2, 2004. The difference between the date the Notice of Allowance was mailed and the 3 year date is 33 days. The difference between 28 weeks after the date the Notice of Allowance was mailed (January 18, 2005) and the 3 year date is 233 days. Applicants thus request at least 33 days and will request additional adjustment once the application issues and a determination of the total period of adjustment under 37 C.F.R. § 1.703(b) can be discerned.

Reduction in period of adjustment under 37 C.F.R. § 1.704(b)

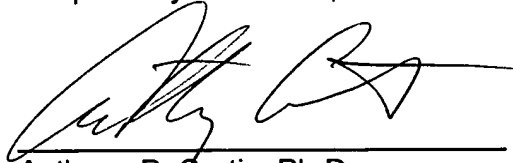
Applicants agree with the PTO calculation of the period of adjustment under 37 C.F.R. § 1.704(b) of 0 days.

Total patent term adjustment

For the present application, the total patent term adjustment under 37 C.F.R. § 1.703(f) is the period of adjustment under 37 C.F.R. § 1.703 reduced by the reduction under 37 C.F.R. § 1.704. The total adjustment is thus 595 days + 33 days – 0 days = 628 days.

Applicants respectfully request reconsideration of the patent term adjustment for this patent. Office personnel are invited to contact the undersigned for the Applicants via telephone if such communication would expedite this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Anthony P. Curtis', is written over a horizontal line.

Anthony P. Curtis, Ph.D.
Registration No. 46,193
Agent for Applicants

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